

Appl. No.10/642,716  
Amendment January 24, 2005  
Reply to Office action of October 28, 2004

REMARKS

Claim 3 has been canceled, without prejudice. The word "and" has been added between the second and third element of claim 7, which was inadvertently omitted.

Claims 1 and 7 have been amended, to more clearly claim the structure of the single and double panel assemblies. These amendments to claims 1 and 7, respectively, find support in Figs. 1 and 2, as they were originally filed, wherein these figures clearly illustrate that there is an absence of any elements that would unite the folding panels to horizontal members that would span above and/or below the opening. Thus, no new matter is introduced by these amendments. Claims 1, 2, and 4-14 are pending in the application. Favorable reconsideration of this application is respectfully requested in light of the above amendment and the following detailed discussion.

Drawings Objections

The Examiner has objected to Fig. 1 by asserting that the proposed drawing correction filed on August 16, 2004 is disapproved for Fig. 1 contains new matter in the form of depicting locking bar 44 and that applicant states that the abstract of Serial No. 09/524,339 supports the subject matter of figure 1 as having a locking bar 44. The Examiner continues, however, there is nothing within the abstract of Serial No. 09/524,339 which indicates that the embodiment of figure 1 of the instant application is that embodiment which comprises a locking bar.

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The applicant, however, has canceled claim 3 without prejudice and drops the proposed drawing correction to Fig. 1, therefore, this objection is moot.

Claim Rejections – 35 U.S.C. § 112

1. The Examiner has rejected claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that claim 3 is indefinite for it sets forth the embodiment of the folding panel assembly as drawn to figure 1 as having a locking bar, wherein, only the embodiment of the folding panel assembly as drawn to figure 2 is disclosed as comprising the locking bar.

As stated above, applicant has canceled claim 3 without prejudice and has dropped the proposed drawing correction to Fig. 1, therefore, the rejection of claim 3 is moot.

2. The Examiner has rejected claims 5 and 11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner asserts that claims 5,11 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner concludes that it is not known the structure and the software/hardware interface which comprises the computer controlled display. Applicant's submission of Exhibit A is noted. However, this exhibit does not provide one with a description of the claimed panels and the structure of the software/hardware interface, which might comprise the claimed computer controlled display.

Applicant appreciates the Examiner's entering Exhibit A by so noting and, hence, appreciates the opportunity to draw attention to various portions of Exhibit A, wherein the structure and the software/hardware of the computer controlled display of the panels of claims 5 and 11 may be so noted.

Applicant draws attention to the first paragraph of page 1 of Exhibit A where it describes that among the possible electron luminescent (EL) displays (which have been known for nearing seventy years) are flat panel displays (it can be appreciated that the term flat panel display has been in use since the 1960's, for example, see page 2, line 1 of Exhibit A), which structurally and hardware-wise are consistent with the panels 14 of Figs. 1 and 2, and also with the removable panel 60 (see for example, page 7, lines 6-10) of Fig. 3, of the claimed invention.

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Also in the first paragraph of page 1 of Exhibit A there are noted two types of luminescent material, organic and inorganic. Either organic or inorganic can be formed into thin EL panels that could be applied to the claimed invention, however, it is well known in the art that organic luminescent material can be disbursed very thinly, of which, for example, the removable panel 60 of the claimed invention could easily comprise.

As the second paragraph of page 1 of Exhibit A asserts, flat panel displays "became the mainstream of electronic applied products, including ... ad fascias." The claimed invention discloses the use of the panels 14, 60 for exactly these purposes, where, for example, it states on page 8, lines 16-22 that, "The security system can be used in a commercial setting as ... movable ad signs in buildings, store ad-signs, ..." .

With regard to the software of the claimed invention, applicant first notes that the early EL displays did not, and many of the present EL displays do not require software. These types of displays may be hardwired, wherein the displays may change as a result of, for example, a signal reception from an antenna, a manual selection, or by an automatic hardware means.

Secondly, applicant draws attention to various software associated with flat panel displays as listed in Table 1-1 on pages 2 and 3 of Exhibit A, for example, 1984 Sharp's 640X400 dots, 1988 Plan[s]jar's full color 320X240 dots, 1993 Planar's R.G.B. (red, green, blue) 640X480 dots, and 1993 Planar's full color VGA (video graphics

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array, a graphics display system for personal computers developed by International Business Machine Company (IBM) that became one of the de facto standards for IBM compatible personal computers in the 1980's; source webopedia.com) format 640X480 dots. All of the software and associated connectivity of the platforms (e.g., most likely the systems that the subject Office Action and definitely this amendment was/is being processed on) that would control the flat screen displays, were developed at least 25-30 years ago, and, consequently, are well known in the art.

For all the reasons described in the preceding paragraphs, the applicant respectfully submits that claims 5 and 11 meet all the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 11, and allowance thereof, are respectfully requested.

#### Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 6-9, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by Bruneau (U.S. 4,431,044, hereinafter Bruneau). The Examiner asserts that Bruneau discloses the claimed folding panel assembly including a plurality of folding panels 6 hingedly mounted to vertically-oriented frames, first and second locking bars 30, 31.

The Examiner further asserts that the applicant states that Bruneau does not disclose the limitation of each successive panel is supported solely by its preceding panel and instead Bruneau is directed to a security shutter that is resistant to forced

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entry through an opening that has upper and lower brackets 10 which cooperate with locking elements 8 to unite panels with a frame which includes an upper runner 1 and a lower runner 2 in a closed position of the shutter. This is not convincing for the claims of the instant application do not preclude the presence of locking elements. The Examiner concludes, furthermore, Bruneau clearly discloses in figure 1 that each successive panel is supported solely by its preceding panel.

Applicant, however, has amended each of the independent claims 1 and 7, from which, respectively, claims 2 and 6, and claims 8, 9, 12, and 13 directly or indirectly depend, to include the wherein clause "the folding panel assembly having an absence of any elements that would unite the folding panels to horizontal members that would span above and/or below the opening." As a result, applicant respectfully submits that amended claims 1 and 7 do preclude the presence of the locking elements 8 of Bruneau, as the Examiner has above conceded.

After carefully studying Bruneau, the applicant can find nowhere in Bruneau where at least these limitations are taught or suggested. Instead, applicant finds that the Bruneau patent would not serve its intended function as a security shutter that is resistant to forced entry through an opening without upper and lower brackets 10, since the upper and lower brackets 10 cooperate with locking elements 8 to unite panels 6 with a frame, which includes an upper runner 1 and a lower runner 2, in a closed position of the shutter (see, for example, the Abstract).

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Applicant further finds that Bruneau connects the panels 6 to roofs and floors (see, for example, column 3, line 18 to column 4, line 22 and Figs. 1-3), which is corroborated by, "the upper and lower edges 6a and 6b, respectively, of each panel are provided with a horizontal bracket respectively designated 40 and 41 which are situated as close as possible to the lintel and to the ground to resist the insertion of a lever toward the interior of panel 6 (column 6, lines 15-19)."

Additionally, Bruneau does not teach first and second folding panels, which are limitations of the claims 7-9 and 12-13, and which the Examiner has not addressed.

Therefore, the applicant respectfully submits that independent claims 1 and 7 of the claimed invention are not anticipated by Bruneau, as the inventions defined thereby are not identically disclosed in Bruneau, as required by 35 U.S.C. § 102(b). Consequently, claims 2 and 6, which depend from claim 1, and claims 8, 9, 12, and 13, which depend from claim 7 are, likewise, not anticipated under 35 U.S.C. § 102(b) by the Bruneau patent, and that claims 1, 2, 6-9, 12, and 13 should be allowed over Bruneau. Accordingly, favorable reconsideration of claims 1, 2, 6-9, 12, and 13 is respectfully requested.

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Claim Rejections – 35 U.S.C. § 103

1. The Examiner has rejected claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Bruneau in view of Dykes (U.S. 5,598,667, hereinafter Dykes). The Examiner concedes that Bruneau does not set forth a decorative or descriptive panel. However, the Examiner asserts that Dykes discloses a folding panel assembly comprising decorative or descriptive panels 30a-d, wherein, to incorporate this teaching into the folding panel assembly of Bruneau for the purpose of aesthetics would have been obvious to one of ordinary skilled in the art.

The Examiner continues by asserting that the applicant states that there is no suggestion or motivation to modify or combine the references of Bruneau or Dykes. The Examiner concludes that this is not convincing for each of these references are from the applicant's field of endeavor of articulated panel closures and as such the applicant is presumed to have full knowledge of the prior art in their respective field.

Applicant, however, asserts that since claims 4 and 10, respectively, depend directly from claim 1 and 7, then claims 4 and 10 are patentable at least on that basis. The rejections of claims 4 and 10 should, therefore, be withdrawn.

Further, the applicant agrees with the Examiner's concession that Bruneau does not teach a decorative or descriptive panel, as is claimed in both claims 4 and 10. In addition, the applicant can find nowhere in this 35 U.S.C. § 103(a) rejection of claims 4 and 10 where the Examiner addresses the further limitations of claims 4 and 10 that the

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decorative or descriptive panels be removably attached to the folding panels. After thoroughly studying the Dykes reference, the applicant can find nowhere in Dykes where Dykes teaches removably attached panels. For at least these reasons, claims 4 and 10 are patentable over Bruneau in view of Dykes.

Therefore, claims 4 and 10 of the present application are patentable over Bruneau in view of Dykes, as the inventions defined thereby are not suggested within either Bruneau or Dykes, nor is there any suggestion or motivation to modify or combine these references' teachings in order to teach or suggest the claimed limitations, as required by 35 U.S.C. § 103. Consequently, the applicant respectfully submits that claims 4 and 10 should be allowed over Bruneau in view of Dykes. Accordingly, favorable reconsideration of claims 4 and 10 are respectfully requested.

2. The Examiner has rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Bruneau in view of Thun et al. (U.S. 3,811,489, hereinafter Thun). The Examiner asserts that while Bruneau does not set forth the use of a spring, Thun et al. disclose a folding panel assembly 20, 21 comprising spring 58 biased hinges 29, wherein, to incorporate this teaching into the folding panel assembly of Bruneau for the purpose of facilitating the movement of the panels would have been obvious to one of ordinary skill in the art.

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Applicant, however, asserts that since claim 14 depends indirectly from claim 7, then claim 14 is patentable at least on that basis.

In addition, after carefully studying the Thun reference, applicant finds that the spring 58 biased hinges 29 of Thun are only disposed between panels 25 and 26, and not between a first panel and a vertical frame as required by claim 13 (i.e., comprising at least one hinge disposed between each of the frames and its respective first panel), from which claim 14 depends. For all of the above reasons, the rejection of claim 14 should, therefore, be withdrawn. Consequently, the applicant respectfully submits that claim 14 of the claimed invention should be allowed over Bruneau in view of Thun. Accordingly, favorable reconsideration of claim 14 is respectfully requested.

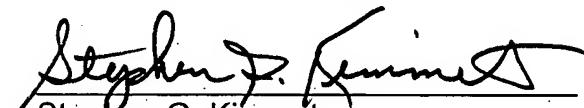
#### CONCLUSION

For all the reasons described in the preceding paragraphs, the applicant respectfully submits that the present application is now in condition for allowance. Accordingly, a timely action to that end is courteously solicited.

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If the Examiner has any remaining questions or concerns, or would prefer claim language different from that included herein, the favor of a telephone call to the applicant's attorneys is requested.

Respectfully submitted,

  
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